In the High Court for the States of Punjab and Haryana, at Chandigarh.

C.R No. 635 of 2007 (O&M)
Decided on February 08,2007

Om Parkash and others --Petitioners

vs.

Jagdish and another -- Respondents.

Present: Mr. Kanwar Ashwani Kumar Advocate,for the petitioners.

Pritam Pal,J:(Oral)

In the impugned order, the Executing Court has ordered for putting the disputed shop to open auction as the same cannot be partitioned amongst six co-owners/ share-holders . In fact, the disputed shop is constructed in an area of 100 square feet only. Now the only contention raised by learned for the petitioners is that some of the petitioners are also in possession to the extent of their shares in the disputed shop, and, therefore, the said shop should not be put to open auction for strangers. This contention merits credence inasmuch as all the co-owners/- share-holders are related inter-se and as such, it would be in the interest of justice, if the entire shop which is built in an area of 100 square feet only, is purchased by one of the share-holders.

Thus, this Civil Revision is disposed of with the direction that open auction of the said shop shall be restricted only to the share-holders and none-else. In other words, only the share-holders shall be allowed to participate in the open auction.

A copy of this order be given dasti on usual payment.

February 08,2007 (Pritam Pal)
RR Judge